

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE ENROLLED ACT No. 1873

AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 16-25-5-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 2.5. (a) The state department shall adopt rules under IC 4-22-2 to establish guidelines that require the state department to conduct a survey of a hospice program licensed or approved under IC 16-25-3 at least once every one (1) to three (3) years.**

(b) In establishing the guidelines required under subsection (a), the state department shall consider the following:

- (1) A change in ownership of a hospice program.**
- (2) A change in management of a hospice program.**
- (3) A finding that a hospice program violated a federal condition of participation for hospice licensure.**

SECTION 2. [EFFECTIVE JULY 1, 2001] **(a) Notwithstanding IC 16-25-5-2.5, as added by this act, the state department of health shall conduct an annual survey of each hospice program licensed or approved under IC 16-25-3 to determine if the hospice complies with IC 16-25.**

(b) This SECTION expires July 1, 2003.

SECTION 3. [EFFECTIVE JULY 1, 2001] **(a) As used in this SECTION, "eligible individual" means an individual who:**

- (1) is a resident of a hospice;**
- (2) is receiving a routine home care level of care (as described**



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in 42 CFR 418.302(b)); and

(3) is eligible for Medicaid.

(b) As used in this SECTION, "office" refers to the office of Medicaid policy and planning established by IC 12-8-6-1.

(c) As used in this SECTION, "room and board" means any inpatient services provided by a hospice in compliance with 42 CFR 418.100 et seq.

(d) As used in this SECTION, "waiver" refers to a demonstration waiver for reimbursement of hospice room and board.

(e) Before January 1, 2002, the office shall apply to the United States Department of Health and Human Services for approval of the necessary demonstration waiver under Section 1115 of the federal Social Security Act (42 U.S.C. 1315) to provide a per diem amount for room and board for an eligible individual under the Medicaid hospice program in an amount equal to ninety-five percent (95%) of the average case mix per diem rate for Medicaid payments in effect for health facilities licensed under IC 16-28 as of July 1 of each year.

(f) If a provision of this SECTION differs from the requirements of a waiver, the office shall submit the waiver request in a manner that complies with the requirements of the waiver. However, if the waiver is approved, the office shall apply within one hundred twenty (120) days after the waiver is approved for an amendment to the waiver that contains the provisions under this SECTION that were not included in the approved waiver.

(g) The office shall notify the governor and the general assembly in writing regarding the determination of the United States Department of Health and Human Services concerning the waiver not later than five (5) days after the office is notified of the determination.

(h) The office may not implement the waiver unless the general assembly:

(1) approves the implementation of the waiver; and

(2) appropriates funds for implementation.

(i) The office may adopt rules under IC 4-22-2 necessary to implement this SECTION.

(j) This SECTION expires January 1, 2008.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Approved: _____

Governor of the State of Indiana

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HEA 1873 — Concur+

